THE HON'BLE SRI JUSTICE D.S.R.VARMA

W.P.NO.26223 OF 1996

Date: 12th JULY 2006

Between:

B.Krishnam Raju, S/o. Venkateshwar Rao,
aged about 32 years, R/o. Vijayawada. ……
Petitioner

And:

1.The Commissioner of Police, Vijayawada.
2.The Assistant Commissioner of Police,
Hqrts (Head Quarters), Vijayawada.
…..Respondents

THE HON'BLE SRI JUSTICE D.S.R.VARMA

W.P.NO.26223 OF 1996

ORAL ORDER:

Heard both sides.

2. This writ petition is filed seeking a declaration that the Memo No.25/ACP/HQ, dated 29-11-1996, issued by the respondent No.2 is illegal, arbitrary and violative of principles of natural justice.

3. The controversy in this writ petition is that the respondent No.2 had directed the petitioner to vacate the quarter, which was in his occupation, on certain grounds. Therefore, it is the grievance of the petitioner that such a direction without issuing any notice or enquiry was illegal.

4. A perusal of the impugned memo, dated 29-11-1996, discloses that the petitioner was involved in certain anti social activities.

5. Initially, on 09-12-1996, this Court, while admitting the writ petition, granted interim suspension of Memo No.25/ACP/HQ, dated 29-11-1996, impugned in this writ petition, in W.P.M.P.No.32368 of 1996.

6. Subsequently, for non-compliance of the said order of interim suspension, contempt proceedings in C.C.No.578 of 1997 were initiated against the respondents and the same were dismissed having taken into account the facts, brought to the notice of this Court by the learned Government Pleader for Home, which need not be detailed herein.

7. From the above, it is obvious that the petitioner was directed to vacate the quarter in his occupation and pursuant to

the order of interim suspension of the Memo No.25/ACP/HQ, dated 29-11-1996, granted by this Court in W.P.M.P.No.32368 of 1996, he was continuing in the said quarter. However, as could be seen from the counter-affidavit in the contempt proceedings, the petitioner had left to some other place and vacant possession of the said quarter was taken by the respondents and that the petitioner as such is no longer in occupation of the said quarter.

8. For the foregoing, I do find no reason to continue the present writ petition any longer inasmuch as the cause in this writ petition has become infructuous.

9. Accordingly, the writ petition is dismissed as having become infructuous. However, there shall be no order as to costs.

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JUSTICE

D.S.R.VARMA

12TH JULY 2006

KRK/AK